



Ninety-Seventh Legislature - Second Session - 2002
Committee Statement
LB 764

Hearing Date: February 21, 2001
Committee On: Natural Resources

Introducer(s): (Schrock)

Title: Provide powers to cities, villages, and natural resources districts relating to run-off waters

Roll Call Vote – Final Committee Action:

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

Vote Results:

8	Yes	Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, Stuhr
0	No	
0	Present, not voting	
0	Absent	

Proponents:

Jody Gittins
Gary Krumland
Marlin Petermann
Steve Masters
Michael Nolan
Lance Hedquist

Representing:

Introducer
League of Nebraska Municipalities
Papio-Missouri Natural Resources District
City of Lincoln
City of Norfolk
City of South Sioux City

Opponents:

Sadie Nicholson
Michael Gutzmer
Donita Thompson
Wayne Nicholson

Representing:

Self
Nebraska Public Power District
Self
Self

Neutral:

None

Representing:

Summary of purpose and/or changes:

LB 764 does the following:

Sections 1-16: Definitions

- Section 17: Authorizes the establishment of drainage improvement project areas and subareas by adoption of a resolution by the governing body after a public hearing; the included area insofar as possible must drain in whole or major part to a common outfall. It allows this area to be expanded, reduced or merged upon notice, public hearing, adoption as the governing body determines to be in the public interest.
- Section 18: Authorizes the governing body to levy capital cost assessments for drainage projects against benefitted parcels of real estate after a public hearing. The assessment must be levied for a specific project at one time and shall become delinquent in equal annual installments over a period of not more than 20 years and are a lien on the real property.
- Section 19: Authorizes the governing body to levy operating cost assessments for drainage projects determined to be local improvements benefiting real estate in a drainage project improvement area. It requires the costs be levied to recover recurring costs of operating and maintaining a drainage project, to the extent of the special benefit provided by the project. Authorizes apportionment of such costs after a public hearing. Requires filing a statement with the register of deeds and the record-keeping official of the governing body and the holding of an annual public hearing on the assessments. Requires the regulating governing body to pay the operation and maintenance expenses of the project area and such other project expenses it determines to be of general public benefit from its general funds. Provides for placing the assessments on the tax lists against the lands, to be collected at the same time as general real estate taxes.
- Section 20: Authorizes the regulating body, in determining the drainage assessment rate, to apportion costs between project areas when one is downstream from another.
- Section 21: Allows an appeal to the district court from any decision rendered by the governing body as to any assessment for drainage projects.
- Section 22: Allows the governing body to reassess amounts if an assessment is declared void or if doubt exists as to its validity.
- Section 23: Provides additional powers to regulating body using a drainage improvement project area alone or in cooperation with another regulating jurisdiction, including the power to:
- (a) construct, alter and improve dams, drainways, structures, storm water sewers and systems, and other works for the control, treatment and disposal of runoff waters and related residues;
 - (b) acquire property;
 - (c) borrow money;
 - (d) issue general obligation bonds; and
 - (e) levy taxes to pay the bonds.
- Requires a hearing before any bonds are issued, and authorizes the regulating body to pledge amounts so collected to pay the bond.
- Section 24: Authorizes a natural resources district to exercise the powers contained in Sections 1-25 in an area within the district which is outside the corporate limits of any city or village. Authorizes a city or village to exercise such powers within its corporate limits and to exercise concurrent authority in the area within its zoning jurisdiction.

- Section 25: Provides that the powers contained in Sections 1-25 are independent of and in addition to all other powers on the same or related subjects and that nothing in this bill is to be considered as limiting the powers of the sanitary improvement districts relating to drainage.
- Section 26: Authorizes cities and villages to establish rates or charges for a separate storm sewer system. It provides that such rates or charges must be based on sound engineering principles and may include factors such as impermeable land surfaces and land uses.
- Section 27: Authorizes cities and villages to establish a fee from the users of any separate storm sewer system, based on sound engineering principles and may include factors such as impermeable land surfaces and land uses.
- Section 28: Severability clause
- Section 29: Repealer

Explanation of amendments, if any:

None

Senator Ed Schrock, Chairperson